

Check list for filing with the Zoning Board of Appeals

Special Permit

- ☐ Let the Zoning Board of Appeals review the “denial” letter and the Zoning Board of Appeals application packet.

What to submit to the City Clerk’s Office:

- ☐ Filled out application Form A.
- ☐ Submit appropriate filing fee – base fee is \$300. Check made out to the City of Marlborough. (Check with the Building Commissioner about the fee)
- ☐ Form 1 – Check list for Plan Distribution
- ☐ Form 2 – Tax Certification
- ☐ Form 3 - Request an abutters list. Go to the Assessor’s Office – cost is \$20.00 (make check payable to the City of Marlborough)

For Zoning relief (Variance) – 300 ft. radius

For Special Permit – 400 ft. radius

- ☐ If application packet is complete, 1 copy goes to the City Clerks office to be stamped in and proof of submittal will be brought back to the Zoning Board of Appeals.

Plans:

- 8 sets of plans to the Zoning Board of Appeals.
- 7 sets of plans of the Special Permit application delivered to each departments as noted on the check list Form 1.

15 Copies



City of Marlborough
140 Main Street
Marlborough, MA 01752

Zoning Board of Appeals
Special Permit

Purpose for Special Permit: Seeking to increase or intensify the existing non-conforming nature of single or two family residential structures.

Submission of Application:

1. Certification of a Completeness of Application: The applicant shall submit, with the application, the attached form entitled:
 - **Form A** - application
 - **Form 1** – Special Permit Application – Check List for Plan Distribution
 - **Form 2** – Tax Certification
 - **Form 3** - The abutters list will be generated by the Assessor's Office. The applicant will be notified when the abutters list can be picked up. (list is within a 400 ft. radius of the property in question) (a fee will be charged by the Assessor's Office for this list)
2. **Plans:** The following number of sets of application material to be **hand-delivered** at the offices set forth below: See **Form 1** for Checklist for Plan Distribution:
 - 1 set City Council Office
 - 1 set Police Dept.
 - 1 set Fire Dept.
 - 1 set City Clerk's office
 - 1 set City Engineer
 - 1 set Conservation Officer (if wetlands are affected)
 - 1 set Building Dept.
 - 8 sets Zoning Board of Appeals

(Provide one set (application and plans) electronically to the Zoning Board of Appeals Office – sbrown@marlborough-ma.gov.)

Total copies: 15 paper copies
3. Attach a copy of the **denial letter** from the Building Department and/or city official/administrator.)

4. **Fee:** At the time of application filing, the applicant shall pay a base filing fee of \$300.00 (check made payable to the City of Marlborough). Unless otherwise calculated by the Building Commissioner.
5. The secretary will place two (2) legal ads in the Metro West Daily or the Marlborough Enterprise Weekly newspaper. The applicant is responsible for the payment of the two (2) legal ads which is billed directly by the newspaper to the applicant. In conformance with Chapter 40A of the Mass. General Laws.
6. The Applicant (or their agent or representative) is responsible for sending (with confirmation of delivery) copies of the notice of the hearing to all of the abutters on the certified abutters list at least two weeks (14 days) prior to the hearing date. Documentation of this mailing and/or delivery receipts for the abutter notices must be submitted to the Zoning Board of Appeals prior to the hearing. Types of proof of mailing: Certified Mail or Certificate of Mailing. Proof of mailing will be given to my office 5 days prior to the hearing date.
7. **Date for Public Hearings:** The Zoning Board of Appeals secretary, shall upon receipt of the complete application or petition, set a date for a public hearing.
8. **Public Hearing:** The Zoning Board of Appeals will hold a public hearing within **65 days** after the filing of a complete application.
9. **Close public hearing – The 90 Days** starts for a vote and decision.
10. **Vote Required:** This is a 5 member Board. A vote of a least 4 members of a 5 member Board is required for a grant.
11. **Final Action:** Final action on an application within **90 days** after the hearing is **closed**. The hearing may be recessed and continued at a specified date and time as mutually agreed upon by the Zoning Board of Appeals and the applicant.
12. **Input from City Depts. –** Written recommendations on the proposal. The Zoning Board shall not make a final decision on an application for a special permit until the appropriate departments have submitted reports or recommendations thereon or, if no such reports have been received within **60 days** since the filing of an application which has been certified to be complete in accordance with these regulations.

13. Extension of Time for Action – Leave to Withdraw:

- The period within which final action shall be taken may be extended for a definite period by mutual written agreement of the Zoning Board of Appeals and the applicant.
- The Zoning Board of Appeals may in its sole discretion, grant leave to withdraw without prejudice so that the applicant may submit a revised application which shall not be considered as a repetitive petition. Such revised application shall be treated as a new application and shall be subject to the fee schedule. (If the project is made smaller, it will be considered an amended petition and no additional filing fee. If the project is made larger than originally proposed, a new filing application and new filing fee will be implemented).

14. Findings and Conditions by Zoning Board of Appeals:

- In acting on applications for Special Permits, the Zoning Board of Appeals may make such findings as provided herein or called for by the subject matter and may impose such conditions, safeguards, or limitations on matters relating to the proposal as may affect the public health, safety, welfare and convenience, including conditions on time and use. No Special Permit shall issue, except upon a general finding that the use sought and its impact and characteristics shall not be in conflict with public health, safety, convenience and welfare and shall not be detrimental or offensive, provided the conditions, safeguards or limitations, if any, are met.
- No right to Special Permit: An applicant is not entitled by right to a Special Permit and the Zoning Board of Appeals, in its discretion, may decline to grant a Special Permit.

15. After the hearing has taken place, it will be approximately fourteen (14) days before the Board's decision is filed with the City Clerk. The date of this filing is the official date of the decision. A copy of the filed decision will be mailed to the Applicant and to the abutters by the Zoning Board Secretary. (Note: This is not the recordable copy that you take to the Registry of Deeds)

16. There is a twenty (20) day appeal period that starts on the day after the decision is filed with the City Clerk. The appeal period must elapse before the City Clerk can certify the decision. During this appeal period, the Board's decision may be appealed to the appropriate appellate body. If an appeal is made, the City Clerk cannot certify the decision until the appeal has been fully adjudicated.

17. Recording of Special Permit: In accordance with the provisions of Massachusetts General Laws c.40A, Section 11, the Applicant at her expense shall record this Special Permit in the Middlesex South District Registry of Deeds after the City Clerk has certified that the 20 day period for appealing the Special Permit has elapsed with no appeal having been filed, and before the Applicant shall apply to the Building Commissioner for a building permit concerning the proposed expansion. Applicant shall provide a copy of the recorded Special Permit to the Zoning Board of Appeals office and the Building Dept.

18. Special Permit will expire after 2 years from the date of submittal to the City Clerks Office.



**CITY OF MARLBOROUGH
ZONING BOARD OF APPEALS**

**Application for Special Permit
Pre-existing Non-Conforming Single and Two Family Structures**

Official Use :

Date Received : _____ City Clerk's # _____ ZBA Case # _____

Information :

Property Address _____ Zoning District _____ Map# _____ Parcel# _____

Applicant is: ☐ Owner ☐ Tenant ☐ Prospective Purchaser ☐ Other _____

I am the owner of the property and I have knowledge of, and consent to, this application.

Owner's signature: _____ **Date:** _____

Owner's name:(print) _____ **Address** _____

State _____ **Zip** _____ **Phone#** _____ **E-mail** _____

Applicant name: _____ **Address** _____

Company/organization _____

State _____ **Zip** _____ **Phone#** _____ **E-mail** _____

Representative Name: _____ **Company** _____

Address _____

State _____ **Zip** _____ **Phone#** _____ **E-mail** _____

a. Describe below what is being requested, such as what is the proposed action, relief, or construction on the property. (use back if needed)

b. Provide below all sections of the Zoning Ordinance (Chapter 650, Article(s), Section(s), Paragraph(s), Subsection(s) which are pertinent to the Special Permit. (use back if needed)

c. State why the proposed alteration, reconstruction, extension or structural change shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure. (use back if needed)

Application Packet:

The applicant shall file the following number of sets of the application packet at the offices set forth below: See Form 1.

Number of Sets

1	Office of City Clerk
1	Office of City Council
1	City Engineer
1	Building Department
1	Police Dept.
1	Fire Dept.
1	Conservation Officer (if wetlands are affected)
8	Office of Zoning Board of Appeals

(Provide one set (complete application and plans) electronically – sbrown@marlborough-ma.gov)

Total 15 copies

The application packet which shall contain sufficient information to illustrate and defend the applicant's case and as a minimum shall consist of the following:

- ☐ Complete Special Permit Application Form.
- ☐ Abutters List certified by the Assessor's Office (400 ft.)
- ☐ Copy of denial letter from City Official
- ☐ Certified Plot Plan prepared and stamped by a Massachusetts Registered Professional Land Surveyor. A mortgage plan is **NOT** a certified plot plan. The certified plot plan shall include:
 - ☐ Plan Size 8 1/2" x 11" or 11" x 17"
 - ☐ Plans drawn to accurate scale with north arrow
 - ☐ Owner names and street addresses of directly abutting lots
 - ☐ Name of streets and zoning districts.
 - ☐ Bearing and distances of subject property
 - ☐ Dimensions and property line setbacks of all structures on subject property
 - ☐ Location of driveways, parking areas and other impervious surfaces on subject property
 - ☐ Location of walls, curbing, major landscaping, fences on subject property
 - ☐ Location of easements, wetlands and floodplains on subject property, if applicable
 - ☐ Dimensions and property line setbacks of all proposed work
 - ☐ Lot Coverage (area covered by all impervious surfaces) existing and proposed
 - ☐ Location and property line setbacks of structures, fences, driveways etc. on abutting lots that are within fifteen (15) feet of subject property lines
- ☐ Site plans of subject property showing topography and drainage structures, if regrading of the site or rerouting of runoff is proposed or if property is in Floodplain and Wetland Protection District.
- ☐ Architectural plans of new or modified building structure, if applicable

Filing Fee : Base fee of \$300.00 or otherwise stated by the Building Department (check made out to the City of Marlborough)

Hearing Request :

I hereby request a hearing before the Zoning Board of Appeals regarding this application packet and I am aware that two (2) legal ads will be placed in the MetroWest Daily News or the Marlborough Enterprise Weekly newspaper which will be billed directly to me or my representative. I am further aware that I am responsible for sending copies of the Notice of Hearing to all the abutters on the certified list at least 14 days prior to the hearing date and that I will submit the receipts confirming this mailing to the zoning office 5 days prior to the hearing. Finally, I am aware that I am required to record the boards certified decision and the certified plot plan with the Registry of Deeds, at my expense, in order for it to take effect.

Applicant's signature: _____ Date: _____

Print name: _____ and/or

Representative's signature: _____ Date: _____

Print name: _____

Official Use Only:

Received from applicant, the sum of \$ _____ Check # _____

Signature of the agent of the Zoning Board of Appeals:

_____ Date: _____

Susan Brown - Board Secretary

Department - Zoning Board of Appeals

140 Main Street

Marlborough, MA 01752

Tel# 508-460-3768 E-mail: sbrown@marlborough-ma.gov

The date and signature of the agent of the Zoning Board of Appeals will serve as certification as to when the **COMPLETE** application packet accompanied by the proper filing fee were filed with this office.



City of Marlborough Zoning Board of Appeals

140 Main Street
Marlborough, Massachusetts 01752
Tel. (508) 460-3768

Special Permit Application Check List for Plan Distribution

To ensure that each department listed below receives a copy of your completed Special Permit Application, please hand deliver to each department as instructions indicate below:

Place a check-mark after hand-delivering the application to the following departments and have them **sign on the dotted line as having received the Application.**

Make sure this page is signed and returned to the Zoning Board of Appeals' Office with the completed application.

- ☐ 1 Set City Council Office – 2nd Floor
- ☐ 1 Set Building Dept. – 2nd Floor
- ☐ 1 Set City Clerk's Office – 1st Floor
- ☐ 1 Set Conservation Office – if wetlands are affected - Basement level
- ☐ 8 Sets Zoning Board of Appeals – Basement level

- ☐ 1 Set Police Dept. – 355 Bolton St.
- ☐ 1 Set Fire Dept. – 215 Maple St.
- ☐ 1 Set Engineering Dept. – 135 Neil St.

TOTAL 15 Paper Copies

(Also, provide one set (application and plans) electronically to the Zoning Board of Appeals Office – sbrown@marlborough-ma.gov)

Signature of Applicant

Date: _____



City of Marlborough
140 Main Street
Marlborough, MA 01752

Zoning Board of Appeals
Special Permit

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all Municipal **tax** returns and paid all Municipal taxes required under law.

Company Name:

Owner Name/Officer Name of LLC or Corporation

Signature of Applicant:

Date

Attorney on behalf of Applicant, if applicable:

Date

The Special Permit package will not be accepted unless this certification clause is signed by the applicant and the Tax Collector.

Tax Collector

Date

Request for an Abutters List

Date request submitted to the Assessor's Office:

- ☐ Zoning Board of Appeals variance request – 300 ft.
- ☐ Zoning Board of Appeals - Special Permit – 400 Ft.

Location:

Map and Parcel:

When done please notify the applicant that it is ready and the cost:

Applicant:

Address:

Telephone:

Cell Number:

E-mail address: